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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/574,484	10/25/2006	Johannes Petrus Zijp	1328-29	9138
23117 7590 08/12/2009 NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203				
EXAMINER NGUYEN, KHANH TUAN				
ART UNIT		PAPER NUMBER		
1796				
MAIL DATE		DELIVERY MODE		
08/12/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/574,484

**Applicant(s)**

ZIJP ET AL.

**Examiner**

KHANH T. NGUYEN

**Art Unit**

1796

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on RCE filed on 07/31/2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 3-12 and 15-24 is/are pending in the application.
- 4a) Of the above claim(s) 15-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3-12 and 20-24 is/are rejected.
- 7) ☒ Claim(s) 5, 6 and 10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date n/a.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 07/13/2009 has been entered.

### ***Response to Amendment***

2. This application is a 371 of PCT/NL04/00680 (filed on 10/01/2004). The amendment filed on 07/13/2009 is entered and acknowledged by the Examiner. Claims 1, 3-12 and 15-24 are currently pending in the instant application. Claims 2 and 13-14 have been canceled. Non-elected claims 15-19 have been withdrawn from further consideration.

3. The rejection of claims 23 and 24 under 35 U.S.C 112, second paragraph, is **withdrawn** in view of applicant's amendment.

4. All the previous prior art rejections are rendered moot in view of applicant's amendment.

***Information Disclosure Statement***

5. No additional information disclosure statement (IDS) was submitted.

***Claim Objections***

6. Claims 5-6 and 10 are objected to because of the following informalities: The phrase "and/or" renders the claims indefinite because it has an alternative meaning which does not positively identify the claims limitation. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

7. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

8. Claims 1, 3-12 and 20-24 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claims 1 and 23 recite, in part, "the first film and second film both have a (211) dominant orientation." The amended subject matter was not described in the specification. While at page 4 (lines 25-26) of the specification, the second film having (211) and (110) dominant orientation is disclosed

nowhere in the specification is the first film described or suggested to have a (211) as dominant orientation recited in Claims 1 and 23.

Claims 3-12, 20-22 and 24 depend from Claims 1 and 23, thus contains the same deficiencies.

#### **Other Prior Art Cited**

9. The closest prior art does not teach or suggest two films on top of each with both films having a (211) dominant orientation as recited in Claims 1 and 23, however, it should be noted that the prior arts listed below are considered pertinent to applicant's disclosure and maybe relied upon in the next Office Action.

**JP 11-298018** to Yoshimine et al. teach a substrate having a transparent conductive film of tin oxide having a major orientation crystal plane of (211) or a (301) plane that is useful for solar cells (Abstract).

**JP 02-231773** to Shirato et al. teach an amorphous solar cell comprising of patterns of a transparent electrode mainly comprising of tin oxide having three main peaks of 110, 200 and 211 (Abstract).

**JP 02-067797** to Adachi et al. teach a transparent conductive substrate for solar battery comprising of a laminated tin oxide films wherein an upper layer film have a (200) orientation on a lower layer film of (110) orientation (Abstract).

**U.S. Pat. 6,218,018 B1** to McKown et al. teach a solar-control glass useful as windows wherein a glass substrate 14 is coated with a tin oxide NIR layer 12 having a thickness of 80-300 nm that can be doped with 2-8 wt. % of a dopant including antimony

and niobium. The doped tin oxide NIR layer 12 can be further coated with a low emissivity layer 10 having a thickness of 200-450 nm that is a tin oxide layer doped with 1-5 wt. % of a dopant including fluorine. (Fig. 1; Col. 6, lines 10-16; Col. 8, lines 57-61; Col. 9, lines 12-15).

### ***Conclusion***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to KHANH T. NGUYEN whose telephone number is (571) 272-8082. The examiner can normally be reached on Monday-Friday 7:00-4:00 EST PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy Gulakowski can be reached on (571) 272-1302. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mark Kopec/  
Primary Examiner, Art Unit 1796

/KTN/  
Examiner  
08/11/2009